

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

TELEPHONE MEETING

OCTOBER 18, 2004

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The telephone meeting of the Natural Resource Commission was called to order by Vice-Chairperson Marcantonio at 8:30 a.m. on Monday, October 18, 2004 at the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Joan Schneider
Janice Marcantonio
Carol Kramer
Paul Christiansen
Randy Duncan

MEMBERS ABSENT

William Sullivan
Richard Kim Francisco

APPROVE AGENDA

Motion was made by Commissioner Kramer to approve the October 18, 2004 NRC agenda. Seconded by Commissioner Christiansen. Motion carried unanimously.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Christiansen to approve the minutes of the September 9, 2004 NRC meeting. Seconded by Commissioner Schneider. Motion carried unanimously.

MINUTES APPROVED

CONSTRUCTION PROJECTS

Basil Nimry, Bureau Chief, Engineering and Realty Services, presented the following items.

Bids were opened October 12, 2004 for the following project:

Backbone State Park, Delaware Co. - Boat Ramp Roadway Repair

This project consists of the repair of the flood-damaged access road to boat ramp area and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in FEMA funds. DNR estimate was \$24,000. Eight contractors were invited to bid. Three bids were received.

Scott Brown, dba Brown's Pump Service	Arlington, IA	\$ 30,600.00
Connolly Construction, Inc.	Peosta, IA	\$ 32,565.00
Tschiggfrie Excavating Co., Inc.	Dubuque, IA	\$ 38,862.50

Staff recommends award of contract to Scott Brown, dba Brown's Pump Service, low bidder.

Motion was made by Commissioner Schneider to approve the low bid of Scott Brown, dba Brown's Pump Service of Arlington, Iowa, in the amount of \$30,600.00 for boat ramp roadway repair at Backbone State Park in Delaware County. Seconded by Commissioner Christiansen. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Bids were opened October 13, 2004 for the following projects:

Deppe WMA, Jasper Co. - Sediment Pond Construction

This project consists of the construction of a compacted earth dam for a sediment control structure and incidental work as required by the Plans and the DNR Construction Inspector and as described in the Project Manual. Project is budgeted in EPA 319 funds. DNR estimate is \$125,000. Twelve sets of plans were requested. Five bids were received.

Steger-Heiderscheit Construction Corp.	Dyersville, IA	\$ 122,358.00
Cole Construction Co., Inc.	Keosauqua, IA	\$ 147,594.75
Mark Seaton, dba Seaton Construction	Deep River, IA	\$ 168,059.90
Reilly Construction Co., Inc.	Ossian, IA	\$ 182,545.50
Schoon Construction, Inc.	Grinnell, IA	\$ 198,069.15

Staff recommends award of contract to Steger-Heiderscheit Construction Corp., low bidder.

Motion was made by Commissioner Kramer to approve the low bid of Steger-Heiderscheit Construction Corp. of Dyersville, Iowa, in the amount of \$122,358.00 for sediment pond construction at Deppe WMA in Jasper County. Seconded by Commissioner Schneider. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Brushy Creek State Park, Webster Co. - HMA Paving

This project consists of the HMA paving of several roadways at Brushy Creek State Park in Webster County and other related work as required by the Plans and the DNR Construction Engineer. Project is budgeted 100% in Parks and Institutional Road funds. DOT estimate is \$318,500 and DNR estimate is \$290,000. Eight plan sets were requested. One bid was received.

Fort Dodge Asphalt Co., Inc.

Fort Dodge, IA

\$ 293,773.14

Staff recommends award of contract to Fort Dodge Asphalt Co., Inc., sole bidder.

Motion was made by Commissioner Christiansen to approve the bid of Fort Dodge Asphalt Co., Inc. of Fort Dodge, Iowa, in the amount of \$293,773.14 for HMA paving at Brushy Creek State Park in Webster County. Seconded by Commissioner Schneider. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED**LAND ACQUISITION**

Basil Nimry, Bureau Chief, Engineering and Realty Services Division, presented the following item.

Little Sioux Wildlife Management Area, Clay County--Salton

The Natural Resource Commission's approval is requested to acquire a tract of land located in Clay County. This 64-acre tract is offered by Wayne and Doris Salton for the appraised price of \$100,000.

John Wedebrand, Licensed Appraiser, and Greg Tritle, Associate Appraiser of Vander Werff and Associates, Inc., Sanborn, Iowa submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The property is located approximately 5 miles south and one half mile west of Dickens, Iowa adjacent on the north and west sides to the Little Sioux Wildlife Management Area. Public access is available via 405th Street, and along abandoned railroad right-of-way owned by the State of Iowa (DNR). The southwest corner of the property is within a few feet of the flood plain of the Protected Waters segment of the Little Sioux River Protected Waters segment.

The property consists of 6-acres of cropland, and 58-acres of non-crop (pasture/timber-pasture) land. The wooded ravines and hillsides of the pasture, which drop 20 to 40 feet, have slopes in excess of 60 degrees. Acquisition by the Department will ensure erosion control and improved water quality in the nearby Little Sioux River. Prairie Bush Clover (*Lespedeza leptostachya*) occurs on adjacent state land just across the fence from this tract. It is highly likely that Prairie Bush Clover also occurs on the subject tract, as well as other threatened and endangered species. The tract has abundant deer, pheasant, wild turkey, fur-bearers, and songbirds. There are no building improvements.

The property will be managed by the Wildlife Bureau pursuant to the Little Sioux Wildlife Area management plan. The Department has agreed to fence the new eastern boundary at an estimated cost for fencing materials of \$1,000. A survey to describe the land for conveyance is estimated at \$2,800. Saltons reserved the right to crop the 6-acres of tillable land through the 2005 season.

Acquisition funding consists of \$53,100 of Section 6 Endangered Species Act (Federal) with the balance from state Fish and Wildlife Trust Fund. Incidental closing costs are the responsibility of the Department.

Motion was made by Commissioner Schneider to approve the purchase of a 64 acre tract of land at Little Sioux Wildlife Management Area in Clay County from Wayne and Doris Salton for the appraised price of \$100,000. Seconded by Commissioner Kramer. Motion carried unanimously.

LAND ACQUISITION APPROVED

Goose Lake Wildlife Management Area, Clinton County—Thomas and Laura Lawlor

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Clinton County, adjacent to the east side of the DNR-managed Goose Lake Wildlife Management Area. Thomas and Laura Lawlor offer the 30-acre parcel for the appraised price of \$105,000. The seller will retain agricultural rights for two years.

Jamie Nabb, Licensed Appraiser, of Mount Vernon, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northeast Clinton County, Iowa. The small town of Goose Lake is located one-half mile to the north of the property. The topography is nearly level with some areas hampered by wetness due to the high water table and marsh soil types. Acquisition of this property will allow the DNR to improve water level management and eliminate flooding liability at Goose Lake.

This acquisition will become part of the 1,050-acre Goose Lake Wildlife Management Area, and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be Great River Corridor DU-NAWCA. Survey and incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Kramer to approve the purchase of a 30-acre parcel of land at Goose Lake Wildlife Management Area in Clinton County from Thomas and Laura Lawlor for the appraised price of \$105,000. Seconded by Commissioner Christiansen. Motion carried unanimously.

LAND ACQUISITION APPROVED

Iowa River Corridor, Iowa County—Diemerly Estate

The Natural Resource Commission's approval is requested to acquire a tract of land located in Iowa County, adjacent to the Iowa River approximately one-mile northwest of the town of Koszta, and 10 miles west of Marengo. The James D. Deimerly Estate, Stephen Deimerly, Douglas Deimerly, and Carol Fetzer, offer this 9-acre tract for the appraised price of \$7,200.

Robert K. Johnston, Licensed Appraiser, of Ames, Iowa, submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The tract of land consists of 9 acres of mature river bottom timber. There are no buildings. The parcel is an "in-holding" adjacent on three sides to state-owned land, and the fourth by the U.S. Fish & Wildlife Services. Acquisition of this parcel would eliminate the need to provide access through state land to a private parcel.

There is a bald eagle nest two miles down river, which means the tract is a potential nesting site. In addition, this stretch of the Iowa River is heavily used by wild turkeys for roosting sites.

Funding used for this acquisition will be Wildlife Habitat Stamp funding. Incidental closing costs will be the responsibility of the Department

Motion was made by Commissioner Kramer to approve the purchase of a nine acre tract of land at the Iowa River Corridor in Iowa County from the Deimerly Estate for the appraised price of \$7,200.00. Seconded by Commissioner Christiansen. Motion carried unanimously.

LAND ACQUISITION APPROVED**FOGLE LAKE, RINGGOLD COUNTY CHAPTER 18 LEASE**

Basil Nimry, Bureau Chief, Engineering and Realty Services, presented the following item.

The Natural Resource Commission is requested to recommend approval to the Iowa Executive Council of an IAC [571], Chapter 18 lease to Sobotka Engineering, Inc., of Diagonal, Iowa for construction, maintenance and operation of a water withdrawal system in Fogle Lake and Fogle Lake Wildlife Management Area in Ringgold County.

Sobotka Engineering of Diagonal, Iowa in Ringgold County has requested that the state allow them to withdraw water from Fogle Lake for cooling water for their diesel engine testing facility located approximately one quarter of a mile from the lake.

The leased area will be a 50-foot wide, 800-foot long corridor in the lake and the adjacent wildlife management area.

The proposed withdrawal system will consist of a 2-inch diameter PVC underground pipeline, connected by a flexible hose to a 100-gallon per minute submersible electric pump mounted on a

platform resting on the lakebed near the spillway. The pump will be supplied power by an underground electric service line. Water withdrawal will be limited to 100 gallons per minute, six hours per day, 70 days per year. The maximum withdrawal is 2.5 million gallons or 7.6 acre-feet annually. Cold water will be drawn from stratified deep water near the spillway and pumped approximately 1400 feet to the testing facility. Heated water will be pumped to a 1.5 acre holding pond located on private property and allowed to surface drain back to the lake. The temperature of the return water is calculated to be 80 degrees at its re-entry to the lake.

The system will be installed and maintained at no cost to the department. Fisheries Bureau staff has determined that the amount of water requested will not have a measurable impact on the water level or the aquatic community. Their calculations indicate that withdrawal of the entire annual maximum without any return would lower the lake 2.3 inches.

Staff has determined that a lease is the most appropriate instrument to allow the proposed use of state property. The lease will include an agreement by the tenant that preservation and management of fish, wildlife and other natural resources will take priority over the uses of the tenant. The lease will have a term of two years. The annual fee will be \$1,000.

Commissioner Duncan commented that \$1,000 almost seems like a gift for this lease which has a potential for lots of bad things to happen. He questioned how \$1000 was arrived at for a lease amount.

Mr. Nimry explained that Sobotka Engineering worked with Greg Jones of DNR staff and the analysis between building a well and pumping the water from the lake was roughly \$2400 with pumping costs about the same. They approached the department for negotiations of a price for pumping water from the lake for their needs. Staff determined that the \$1,000 amount would be a fair value for the water they are going to use and return to the lake.

Commissioner Duncan replied that he does not think a well could be drilled for \$2400 and that this seems to be another in a series of leases where the state is charging way less than it should be charging. He said \$1000 is ridiculously low for allowing them to do this.

Mr. Nimry said that staff used a fair formula that is not much different from other Chapter 18 leases, adding that the 50' x 800' is mostly under water for the intake of the lake and some of it is a line that would run adjacent to the property to the facility. Mr. Nimry said that Chapter 18 leases will be discussed in upcoming meetings as staff tries to come up with a formula that satisfies everybody's requirements. He said that staff is having a difficult time arriving at fair market value. He also asked that it be kept in mind that Fogle Lake is in a very small community with not much going on except the lake's recreational facilities.

Commissioner Duncan stated that allowing the lake to be drained down for \$1000 does not make any sense and he will vote against it.

Commissioner Christiansen asked what temperature the water would be returned to the lake if it is used in the winter.

Mr. Nimry responded that it is a year around operation. He said that our fisheries biologist have evaluated the temperature of the returned water and determined it would be acceptable to return the water at 80 degrees to the lake. He added that we asked that it be cooled in an auxiliary pond prior to returning to the lake. This will act similar to an aerator where the water being returned is injected with oxygen and would keep that portion of the lake from freezing.

Director Vonk suggested that since there are questions that are not fully answered that the item be tabled until the November meeting when both the fisheries biologists and Greg Jones could be present to talk about the negotiations on the Chapter 18 lease.

Motion was made by Paul Christiansen to table the Fogle Lake Chapter 18 Lease item until the November meeting. Seconded by Commissioner Duncan. Motion carried unanimously.

CHAPTER 18 LEASE TABLED

FINAL RULE—CHAPTER 98, WILD TURKEY SPRING HUNTING

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to amend Chapter 98 – Wild Turkey Spring Hunting. The amendments establish a youth spring turkey hunting season and clarify requirements for tagging a turkey.

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby amends Chapter 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code.

Chapter 98 sets forth rules for hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take and transportation tag requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 1, 2004, as ARC 3621B. No one attended a public hearing held on September 21, 2004.. Five written comments were received – one supported the season as proposed, two wanted the season to be longer and two wanted to allow hunters younger than 12 to participate. There only changes from the Notice of Intended Action was to lengthen the season to 3 days..

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

These amendments shall become effective December 17, 2004.

The following amendments are adopted.

ITEM 1. Amend rule 571—98.4(481A) as follows:

571—98.4(481A 483A) Transportation tag. A Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each wild turkey one leg in such a manner that the tag cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be transported moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The carcass of any wild turkey being transported within the state during any wild turkey spring hunting season must have the leg that bears the tag attached to the carcass. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

ITEM 2. Adopt new rule 571--98.7(483A) as follows:

571—98.7(483A) Youth spring wild turkey hunt.

98.7(1) Licenses. A special youth spring wild turkey hunting license valid statewide may be issued to any Iowa resident who is at least 12 years old but not over 15 years old on the date the youth purchases the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free license for which the youth's family is eligible. The youth must possess a valid hunter safety certificate to obtain a license. Each participating youth must be accompanied by an adult who possesses a valid spring turkey license for one of the hunting periods and a hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times. A person may obtain only one youth turkey hunting license but may also obtain one turkey hunting license for the last spring hunting period in Zone 4.

98.7(2) Youth season dates. The youth turkey hunting license shall be valid during the Friday, Saturday and Sunday immediately before the first turkey hunting period.

98.7(3) Limits and license quotas. An unlimited number of licenses may be issued. The daily and season bag and possession limit is one bearded or male wild turkey.

98.7(4) Method of take and other regulations. Wild turkeys may be taken with shotguns, muzzleloaded shotguns or bows as described in 571—98.2(483A). All other spring wild turkey hunting regulations for residents shall apply.

98.7(5) Procedures for obtaining licenses. Paid and free youth season licenses may be obtained through ELSI beginning December 15 through the last day of the youth season.

ITEM 3. Amend rule 571—98.15(483A) as follows:

571—98.15(483A) Transportation tag. A Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each wild turkey one leg in such a manner that the tag cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be transported moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The carcass of any wild turkey being transported within the state during any wild turkey spring hunting season must have the leg that bears the tag attached

to the carcass. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

Date

Jeffrey R. Vonk, Director

Motion was made by Commissioner Schneider to approve Final Rule—Chapter 98, Wild Turkey Spring Hunting. Seconded by Commissioner Christiansen.

Director Vonk stated that he received several verbal comments indicating that it is felt the rule is overly restrictive by limiting youth to 12 years of age. He said there is a pretty strong sentiment with the Wild Turkey Federation and other organizations that these young folks would be hunting under the supervision of a licensed hunter and 12 years old is being overly restrictive.

Terry Little, Wildlife Bureau Supervisor, stated that the 12 year limit is copied after our youth deer hunting season which require a hunter safety class. A person cannot get a hunter safety certificate until they are 12 years old. He explained that we have restrictive age requirements for deer and spring turkey hunting, because both have a substantial concern about safety. However, there is no age restriction for the youth pheasant and youth waterfowl season where there is no demonstrated problem with hunter safety. Mr. Little asked that it be kept in mind that this restriction applies only to the three-day youth season. Those younger than 12 can hunt during the regular season accompanied by an adult and do what they have always been able to do. He added that law enforcement and wildlife staff have indicated they would like to discuss coming up with something consistent for all four of our youth seasons. Mr. Little noted that the National Wild Turkey Federation is on record as supporting this season as it is proposed.

Motion carried with “Aye” votes from all except Randy Duncan who asked for the Director’s preference.

Director Vonk said his preference is to lower the age limit. He said it is inconsistent to say it is not ok to have youth out there without hunter safety during the youth season when fewer people are out in the field and then during the regular season when we have our largest number of hunters out there it is ok to hunt without a hunter safety card. He said this does not make a lot of logical sense. He said this needs to be resolved before the next deer season so there is consistency between all seasons.

Commissioner Duncan voted “no” to the motion.

Discussion continued regarding delaying approval of the rule. Terry Little noted that the effective date of the rule is 30 days after the filing deadline. He said if the motion is reconsidered and the rule is tabled until the November meeting all could work ok. He said, however, that we virtually have to go to press with our booklet with the dates as soon as possible to get them in stores before December 15. Mr. Little added that very few spring licenses are sold on December 15 and most are not sold until the spring. He said that if we do become more

liberal with the rules instead of less liberal, that would have virtually no impact on the public, even if we were a week or two later getting our publications out.

Roll call vote on the motion to approve the rule as written was as follows: Janice Marcantonio—Yes; Randy Duncan—No; Joan Schneider—Yes; Paul Christiansen—No; Carol Kramer—Yes. Motion failed to pass on a 3-2 vote.

Motion was made by Commissioner Duncan to reconsider the motion to approve the rule. Seconded by Commissioner Christiansen. Motion carried unanimously.

Motion was made by Commissioner Christiansen to table the Spring Wild Turkey rule until the November meeting. Seconded by Commissioner Duncan. Motion carried unanimously.

RULE TABLED

Director Vonk related that an internal discussion would be held with law enforcement and wildlife staff and we would ask for final action at the November meeting.

DEFINITION OF UPLAND GAME BIRDS

Michael Brandrup, Administrator, Conservation and Recreation Division, introduced Terry Little, Wildlife Supervisor, who presented the following item.

As a result of legislative action, this year for the first time upland game bird hunters will be required to wear "...at least one of the following articles of visible, external apparel which is at least 50 percent solid blaze orange: hat, cap, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls." The law gives the Commission the authority to determine which species of upland game birds will be covered by this law.

The Commission is requested to designate that hunters must comply with this law when hunting the following upland game birds – ringnecked pheasant, bobwhite quail, gray (Hungarian) partridge, ruffed grouse and woodcock.

Motion was made by Commissioner Christiansen to approve the species of upland game birds to be covered by the law regarding the wearing of blaze orange when hunting. Seconded by Commissioner Schneider. Motion carried unanimously.

DEFINITION APPROVED

REAP COUNTY CONSERVATION BOARD GRANTS

Ross Harrison, REAP Coordinator, presented the following item.

The Project Review and Selection Committee for REAP County Conservation Board grants met September 15, 2004 to evaluate project applications. Committee members are Jim Liechty,

Chair (Madison CCB), Harry Graves (Johnson CCB), Mark Peterson (Woodbury CCB), Angela Corio, DNR Landscape Architect, and Tom Anderson, DNR Energy and Waste Management.

Nineteen applications totaling \$2.9 million in grant requests were submitted for consideration during this FY 05 grant round. Available funds total about \$895,000. One grant round is being held this fiscal year and all available funds are recommended for allocation. Below are the six top ranking projects and attached is the scoring showing all projects.

Those projects not funded will be held until June 14, 2005, 60 days prior to next year's round of grants, if funding is appropriated. In the event that any of the grants below are unable to execute their project, approval is sought to offer those funds down the list in the ranking order as shown.

COMMITTEE RECOMMENDATIONS

1. Environmental Learning Center Educational Exhibits, Muscatine CCB – Development of educational displays in the Learning Center, the feature attraction in Discovery Park on west edge of Muscatine. The theme centers on how people have affected Iowa's flora and fauna, and the impact of our actions on natural resources
GRANT AMOUNT -- \$180,000
2. Raccoon River Greenbelt, Snyder Acquisition, Dallas CCB – Acquisition of 107 acres of riparian land along the North Fork of the Raccoon River, west of Minburn. It is adjacent to a 34.5-acre public area owned by the Dallas CCB, purchased with REAP assistance last year, and just across the river from the DNR-owned, 13-acre Snyder Access.
GRANT AMOUNT -- \$103,700
3. Wilkinson Wildlife Area Addition, Hardin CCB – Acquisition 80 acres in the Iowa River Greenbelt, giving street access to the existing landlocked 40-acre Wilkinson Wildlife Area. It ties in with a 775-acre complex of protected lands (county and private conservation easements) along the Iowa River and two tributaries.
GRANT AMOUNT -- \$110,000
4. Lost Island Prairie Wetland Nature Center Addition, Palo Alto CCB – Construction of a 1,600 square-foot addition to the existing classroom. The initial center was constructed with the aid of a 1992 REAP grant.
GRANT AMOUNT -- \$136,970
5. Rolling Prairie Trail Development, Butler CCB – Will complete 1.3 miles of trail in Clarksville, connecting Heery Woods State Park, and extending westerly by ½ mile an existing trail to Wilder Park in Allison.
GRANT AMOUNT -- \$190,000
6. Trout Run Trail, **JOINT PROJECT** of Winneshiek CCB and Decorah – Development of a 2-mile trail between Decorah and the DNR hatchery at Siewers Springs, along Trout Run Cold Water Trout Stream, and providing new, safe access (including handicapped

fishing access) to one of the highest public-use trout streams, as well as multi-recreational use on the trail.

GRANT AMOUNT -- \$150,000 for CCB (\$100,000 additional for Decorah)

TOTAL AMOUNT OF GRANTS = \$870,670

Motion was made by Commissioner Kramer to approve the REAP County Conservation Board Grants as recommended by the Project Review and Selection Committee. Seconded by Commissioner Schneider. Motion carried unanimously.

REAP GRANTS APPROVED

REAP CITY PARKS AND OPEN SPACE GRANTS

Ross Harrison, REAP Coordinator, presented the following item.

The Project Review and Selection Committee for REAP City Parks and Open Space grants met September 20, 2004 to evaluate project applications. Committee members are Ron Walker, Chairperson (Arnolds Park City Administrator), Juli Johnson (Coralville Park and Recreation Director), Ron Hopp (Council Bluffs Parks, Recreation, and Public Property Director), Pat Prevenas (Dubuque Park and Recreation Director), and Kim Bogenschutz (Aquatic Nuisance Biologist, DNR Fisheries Bureau).

Sixty-eight applications totaling \$6.1 million in grant requests were submitted for consideration during this FY 05 grant round. Available funds total about \$1.7 million. One grant round is being held this fiscal year and all available funds are recommended for allocation.

COMMITTEE RECOMMENDATIONS

LARGE CITIES (Over 25,000 in population)

Thirteen applications were submitted in this category, totaling about \$2.5 million in grant requests (see attached table). Approximately \$762,000 is available for grant awards. The committee recommends that grants be awarded for the following four projects:

1. Cedar Bend Lake, Cedar Rapids -- \$300,000
2. Walnut Creek Regional Park, Urbandale -- \$120,942
3. Vincent Bluff, Council Bluffs -- \$200,000
4. Linn Creek Trail Extension. Marshalltown -- \$111,000

Total of Recommended Grant Awards, Large Cities -- \$731,942

MEDIUM CITIES (2,000 to 25,000 population)

Nineteen applications were submitted in this category, totaling \$1.6 million in grant requests (see attached table). \$548,722 is available this round for grant awards. The following six projects are recommended for funding:

1. Trout Run Trail, Decorah (Joint with Winneshiek CCB) -- \$100,000

2. Union Pacific Railroad Trail, Perry -- \$98,600
3. Park to Park Trail, Creston -- \$52,000
4. The Missing Link Trail Connection, Windsor Heights -- \$75,000
5. Waukee Union Pacific Railroad Trail, Waukee -- \$100,000
6. 114th Street Property Acquisition, Greenbelt Park, Clive -- \$123,122

Total of Recommended Grant Awards, Medium Cities -- \$548,722

SMALL CITIES (Population less than 2,000)

36 applications were submitted in this category, totaling nearly \$2 million in grant requests (see attached table). \$367,661 is available for grant awards. The committee recommends that grants be awarded for the following eight projects:

1. City Park Expansion and Prairie Restoration, Olin -- \$49,340
2. Trail and Park, Milton -- \$40,000
3. Central Iowa Trail, Sheldahl Mile -- \$35,192
4. Central Iowa Trail, Slater Junction -- \$70,574
5. Union Pacific Railroad Trail System, Dawson -- \$42,440
6. Union Pacific Railroad Trail System, Minburn -- \$36,500
7. Multi-use Trail and Bridge, Fayette -- \$75,000 (The selection committee voted to break the tie between this project and Strawberry Point.)
8. Prairie Bridges Bike Trail, Ackley -- \$18,615

Total of Recommended Grant Awards, Small Cities -- \$367,661

Projects not awarded a grant will be placed on a reserve list in order of rank. In the event an awarded project cannot be implemented, the top-ranked project on the reserve list will be offered the money.

Motion was made by Commissioner Kramer to approve the City Parks and Open Space Grants as recommended by the Project Review and Selection Committee. Seconded by Commissioner Christiansen. Motion carried with Commissioner Marcantonio abstaining from the vote.

REAP GRANTS APPROVED

REAP PRIVATE/PUBLIC COST-SHARING GRANTS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

Three grant applications were received for consideration. They were reviewed by members of the Review and Selection Committee and are recommended for funding. Funds available for the REAP Private/Public Cost-Sharing Program (10% of the REAP Open Spaces Account) total \$310,007. Grant requests total \$195,075. The remaining funds (\$114,932) will be made available via an extra review cycle. Administrative rules require at least a 60-day notice prior to

extra review cycles. The special cycle will be officially announced in November of 2004 with a deadline for applications in January 2005.

REAP PRIVATE/PUBLIC COST-SHARING---AUGUST, 2004

PROJECT NAME	COUNTY	APPLICANT	ACRES	PRICE	GRANT REQUEST	PROJECT DESCRIPTION
Schenck Addition-- Stone State Park	Woodbury	INHF	63	\$94,500	\$73,875	Addition/buffer for south side of Stone State Park. (Existing park is 1,069 acres) Native prairie, wooded ravines, spectacular views.
Riley tract--Dugout Creek Excelsior Fen Wetland Complex	Dickinson	Dickenson County Pheasants Forever	80	\$78,000	\$58,500	Includes 10 of the 11 remaining fens and two T&E species. Existing area is 782 acres; acquisition will ease management of entire area.
Bernau Prairie Conservation Easement	Kossuth	The Nature Conservancy	120	\$330,000	\$62,700	Private funding--\$20,900; \$250,800 from DNR's Landowner Incentive Program. Mesic, blacksoil, tallgrass prairie. Federally listed endangered prairie fringed orchid, state listed threatened fragrant false indigo and rare white lady's slipper orchids.
TOTALS			263	\$502,500	\$195,075	

Motion was made by Commissioner Duncan to approve the funding of REAP Private/Public Cost-Sharing Grants as recommended by the Review and Selection Committee. Seconded by Commissioner Kramer. Motion carried unanimously.

REAP GRANTS APPROVED

2004 REAP CONGRESS REPORT

Ross Harrison, REAP Coordinator, presented the following item.

The REAP Act requires the DNR to conduct Assemblies in even-numbered years throughout the state in the 17 regions of the councils of government. Nearly 1,000 Iowans participated in those meetings last winter, devoting approximately four hours of their time and an average roundtrip of 50 miles, often in during unpleasant driving conditions. Participation was nearly three times the attendance in recent Assemblies and around 75% of those said it was their first REAP Assembly.

At each Assembly, five delegates were elected to represent that part of the state at the July 17 REAP Congress, held in the Capitol. The REAP Congress is required to make recommendations to the Governor, the Legislature and the NRC on improvements to REAP.

The enclosed report on the 2004 REAP Congress is presented to you for your decision on acceptance. Primary recommendations (with explanations) are identified in the report and include:

1. A change in the vehicle registration Code of Iowa to direct Natural Resource License plate revenue back to REAP County Committees.
2. A new administrative rule requiring each REAP County Committee to have an updated REAP Plan for their county BEFORE any REAP dollars can be spent by ANY entity in that county. (With your approval, the notice of intended action will be brought to you in November.)
3. Full funding of REAP at \$20 million per year.

An additional six recommendations were made and are listed, along with their action status as of September 2004.

(The Report is on file in the Department's Records Center)

Motion was made by Commissioner Kramer to approve the 2004 REAP Congress Report. Seconded by Commissioner Schneider. Motion carried unanimously.

REAP CONGRESS REPORT APPROVED

FOREST LEGACY CONSERVATION EASEMENT—STAHELI

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

As part of the 1990 Farm Bill, congress created the Forest Legacy Program to identify and protect environmentally important private forestlands threatened with conversion to non-forest uses. This program promotes the concept of protecting "working forests" and allowing continuation of traditional forest uses as long as it follows a state forester approved Forest Stewardship Plan.

The Forest Legacy Program is federally funded and will pay up to 75% of the total market value of a conservation easement (development rights) of private forests. Funding is dependent upon Congressional review for specific tracts and projects. Advanced private landowner applications are required to be reviewed at the state level, then prioritized at the state level and forwarded to the USDA Forest Service to be built into the federal budgeting process for the USDA Forest Service budget.

In Iowa, our forest legacy application process is open year-round to any interested forestland owner in designated Forest Legacy areas that cover forested areas in Iowa. Applications are prioritized to properties that (1) possess a forest stewardship plan; (2) are close to or adjoin protected lands such as parks, forests, etc.; (3) properties are threatened by conversion to non forest use and (4) landowners are willing to contribute in-kind to the minimum 25% match requirement. A State Forest Stewardship Committee (members include Iowa Natural Heritage Foundation; Farm Bureau; Iowa State University Extension; Amana Forestry; Conservation Districts of Iowa; etc) reviews the applications each year and makes recommendations to the State Forester for funding priority.

In 2003, Iowa received federal funding approval to acquire a conservation easement from Edward and Victoria Staheli of Lansing, Iowa on 35 acres of forest located in T99N R4W section 12 SW1/4/NE1/4 lying west of the road, Lot 2 in SE1/4NE1/4 and part of the NW1/4NE1/4 in Allamakee County that borders the Lansing Wildlife Area.

After a process of fair market appraisal by Donald Duskin, ARA, RPRA and review appraisal by DNR Appraiser Rick Hansen, ARA, to meet federal standards, the Staheli property appraised at \$114,825 before the easement and \$36,750 after the easement – meaning the development rights are worth \$77,875. Mr. and Mrs. Staheli have signed an offer to sell a permanent conservation easement to the Department for 75% of the development rights for \$58,406 and will donate \$19,469 to meet the federal 25% match requirement to the Department. This permanent conservation easement is perpetual and will be recorded being made part of the deed for the land; Iowa DNR Forestry Bureau will conduct annual monitoring inspections in cooperation with the landowner.

The Commission is asked to approve the Forest Legacy offer of \$58,406 and accept \$19,469 in in-kind donation for the purchase of the permanent conservation easement on 35 acres of forest in Allamakee County from Edward and Victoria Staheli.

Iowa applications have been approved in Federal FY02 (\$495,000); FY03 (\$695,000) and FY04 (\$286,000) – funds are specific for the project and applications.

Motion was made by Commissioner Christiansen to approve the Forest Legacy offer of \$58,406 and accept \$19,469 in in-kind donation for the purchase of the permanent conservation easement on 35 acres of forest in Allamakee County from Edward and Victoria Staheli. Seconded by Commissioner Kramer. Motion carried unanimously.

FOREST LEGACY EASEMENT APPROVED

FOREST LEGACY CONSERVATION EASEMENT--SOLLIEN

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

As part of the 1990 Farm Bill, congress created the Forest Legacy Program to identify and protect environmentally important private forestlands threatened with conversion to non-forest uses. This program promotes the concept of protecting “working forests” and allowing continuation of traditional forest uses as long as it follows a state forester approved Forest Stewardship Plan.

The Forest Legacy Program is federally funded and will pay up to 75% of the total market value of a conservation easement (development rights) of private forests. Funding is dependent upon Congressional review for specific tracts and projects. Advanced private landowner applications are required to be reviewed at the state level, then prioritized at the state level and forwarded to the USDA Forest Service to be built into the federal budgeting process for the USDA Forest Service budget.

In Iowa, our forest legacy application process is open year-round to any interested forestland owner in designated Forest Legacy areas that cover forested areas in Iowa. Applications are prioritized to properties that (1) possess a forest stewardship plan; (2) are close to or adjoin protected lands such as parks, forests, etc.; (3) properties are threatened by conversion to non forest use and (4) landowners are willing to contribute in-kind to the minimum 25% match requirement. A State Forest Stewardship Committee (members include Iowa Natural Heritage Foundation; Farm Bureau; Iowa State University Extension; Amana Forestry; Conservation Districts of Iowa; etc) reviews the applications each year and makes recommendations to the State Forester for funding priority.

In 2002, Iowa received federal funding approval to acquire a conservation easement from Floyd and Mary Lou Sollien of Decorah, Iowa on 165 acres of forest along US Highway 52 located in T99N R4W section 5 and 6 in Winneshiek County that borders the Upper Iowa River and 40 acres DNR Wildlife areas that the Solliens sold to Department.

After a process of fair market appraisal by Donald Duskin, ARA, RPRA and review appraisal by DNR Appraiser Rick Hansen, ARA, to meet federal standards, the Sollien property appraised at \$825,000 before the easement and \$264,000 after the easement – meaning the development rights are worth \$561,000. Mr. and Mrs. Sollien have signed an offer to sell a permanent conservation easement to the Department for 65% of the development rights for \$364,650 and will donate \$196,350 to meet and exceed the federal 25% match requirement to the Department. This permanent conservation easement is perpetual and will be recorded being made part of the deed for the land; Iowa DNR Forestry Bureau will conduct annual monitoring inspections in cooperation with the landowner.

The Commission is asked to approve the Forest Legacy offer of \$364,650 and accept \$196,350 in in-kind donation for the purchase of the permanent conservation easement on 165 acres of forest in Winneshiek County from Floyd and Mary Lou Sollien.

Iowa applications have been approved in Federal FY02 (\$495,000); FY03 (\$695,000) and FY04 (\$286,000) – funds are specific for the project and applications.

Motion was made by Commissioner Christiansen to approve the Forest Legacy offer of \$364,650 and accept \$196,350 in in-kind donation for the purchase of the permanent conservation easement on 165 acres of forest in Winneshiek County from Floyd and Mary Lou Sollien. Seconded by Commissioner Schneider. Motion carried unanimously.

FOREST LEGACY EASEMENT APPROVED
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GENERAL DISCUSSION

Commissioner Kramer noted that the next meeting is scheduled for Wednesday, November 10. This change was approved last year because Thursday falls on Veteran's Day, a state and federal holiday.

Commissioner Schneider asked commissioners to attend the public meetings on docks when they are their areas. She noted that interest in dock management is very different across the state. There will be a public meeting October 21 at Davenport West High School, October 28 in Sioux City and November 4 at Johnston High School in Johnston.

Teresa Hay McMahon commented that because of a conflict, the December 8 joint EPC/NRC meeting will need to be rescheduled. She also related that there is a consulting service available through federal grant monies for a Commission Effectiveness Workshop. Teresa asked for commission input regarding holding these meetings.

Commission consensus was to hold a joint meeting with EPC but postpone it until later when travel could be combined with other meetings. The Commission Effectiveness Workshop will be scheduled later in the spring.

Director Vonk reported that the dedication of Banner Lakes at Summerset Park was held last Thursday with large attendance and very positive feedback. He suggested that commissioners tour the area following their meeting on November 10.

NEXT MEETING DATES

The next meeting will be held November 10 in Des Moines.

ADJOURNMENT

Motion was made by Commissioner Christiansen to adjourn the October 18, 2004 NRC meeting. Seconded by Commissioner Schneider. Meeting adjourned at 9:20 a.m..

Jeffrey R. Vonk, Director

Richard Kim Francisco, Chairperson

Joan Schneider, Secretary

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